

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

MDL No. 1570 • FILE 1W

THOMAS E. BURNETT, SR., *et al.*,

Plaintiffs,

v.

AL BARAKA INVESTMENT AND DEVELOPMENT
CORPORATION, *et al.*,

Defendants.

MEMO ENDORSED

C.A. No. 03 CV 9849 (RCC)

KATHLEEN ASHTON, *et al.*,

Plaintiffs,

v.

AL-QAEDA ISLAMIC ARMY, *et al.*,

Defendants.

C.A. No. 02 CV 6977 (RCC)

MEMO ENDORSED

MOTION FOR ADMISSION PRO HAC VICE

PLEASE TAKE NOTICE, that pursuant to Rule 1.3(c) of the Local Civil Rules of this Court, Case Management Order No. 1, ¶ 2, and Rule 1.4, Rules of Procedure of the Judicial Panel of Multidistrict Litigation, and on the basis of the affidavits attached hereto, and the exhibits annexed thereto, the undersigned respectfully moves the Court, before the Honorable Richard C. Casey, U.S.D.J., at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, for an Order admitting Lynne Bernabei, Esquire, and Alan R. Kabat, Esquire (Bernabei & Katz, PLLC, 1773 T Street, N.W., Washington

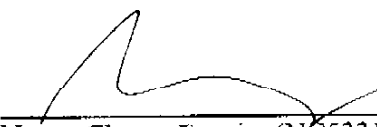
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D.C. 20009-7139, telephone (202) 745-1942, facsimile (202) 745-2627), *pro hac vice*, as counsel

for the following defendants in the above-captioned actions:

Al Haramain Islamic Foundation, Inc. (U.S.A.) (*Ashton* and *Burnett* [No. D56]);¹
Soliman H.S. Al-Buthe (*Ashton* and *Burnett* [No. D59]);
Perouz Sedaghaty (*Ashton* and *Burnett* [No. D60]);
Dr. Abdullah M. Al Turki (*Ashton* and *Burnett* [No. D158]);
Dr. Abdullah Naseef (*Burnett* [No. D97]);
Dr. Abdullah Al Obaid (*Ashton* and *Burnett* [No. D23]);
Dr. Abdul Rahman Al Swailem (*Burnett* [No. D95]);
Dr. Adnan Basha (*Ashton*);
Sheik Saleh Al-Hussayen (*Ashton* and *Burnett* [No. D222]);
Talal M. Badkook (*Ashton*);
Sheik Shahir Batterjee (*Ashton* and *Burnett* [No. D67]);
Mushayt for Trading Company (*Ashton* and *Burnett* [No. D144]);
Mohammed Ali Sayed Mushayt (*Burnett* [No. D157]);
Sheik Hamad Al-Husaini (*Burnett* [No. D209]);
Saudi Red Crescent Committee (*Ashton* and *Burnett* [No. D211]);
Sheik Salman Al-Oawdah (*Ashton* and *Burnett* [No. D220]); and
Sheik Safer Al-Hawali (*Ashton* and *Burnett* [No. D221]).

Respectfully submitted,

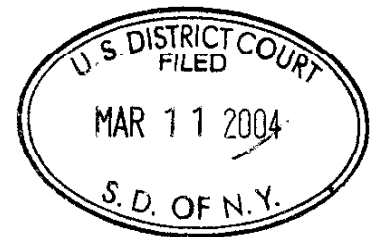


Nancy Chang, Esquire (NC5331)
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, NY 10012-2399

DATED: March 10, 2004

Motion granted.

Richard B. Berman 3/11/04



¹ The "D ____" number refers to the numbering of defendants as used in *Burnett*; the *Ashton* complaint did not use a numbering system. The spelling of the names of several defendants is inconsistent between the *Burnett* and *Ashton* complaints, and does not always conform to the correct spelling, which is used herein.

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THOMAS E. BURNETT, SR., <i>et al.</i> ,)	
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Plaintiffs,)	
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v.)	C.A. No. 03 CV 9849 (RCC)
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AL BARAKA INVESTMENT AND DEVELOPMENT CORPORATION, <i>et al.</i> ,)	
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Defendants.)	
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KATHLEEN ASHTON, <i>et al.</i> ,)	
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Plaintiffs,)	
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v.)	C.A. No. 02 CV 6977 (RCC)
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AL-QAEDA ISLAMIC ARMY, <i>et al.</i> ,)	
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Defendants.)	
)	

AFFIDAVIT OF LYNNE BERNABEI

I, Lynne Bernabei, this 10th day of March 2004, certify the following in support of the Motion for Admission Pro Hac Vice:

1. This affidavit is submitted in support of the motion for an order permitting me to appear and participate in this case *pro hac vice*.
2. I am a partner at the firm of Bernabei & Katz, PLLC, located at 1773 T Street, N.W., Washington D.C. 20009-7139, telephone (202) 745-1942, facsimile (202) 745-2627. Our firm represented defendants Al Haramain Islamic Foundation, Inc. (U.S.A.), Soliman H.S. Al-Buthe,

and Perouz Sedaghaty in the *Burnett* action prior to its transfer to this Court from the U.S. District Court for the District of Columbia and will continue that representation. Our firm also represents additional defendants in the *Ashton* and/or *Burnett* actions who have either not yet been served or have not yet entered an appearance: Dr. Abdullah M. Al Turki, Dr. Abdullah Naseef, Dr. Abdullah Al Obaid, Dr. Abdul Rahman Al Swailem, Dr. Adnan Basha, Sheik Saleh Al-Hussayen, Talal M. Badkook, Sheik Shahir Batterjee, Mushayt for Trading Company, Mohammed Ali Sayed Mushayt, Sheik Hamad Al-Husaini, Saudi Red Crescent Committee, Sheik Salman Al-Oawdah, and Sheik Safer Al-Hawali. I am submitting this Affidavit in support of my application to practice before this court and to represent all of the aforementioned defendants.

3. I am a member in good standing of the Bar of the District of Columbia, having been admitted to practice before that bar on December 14, 1977. A certificate of good standing from that bar is attached hereto (Exhibit A). I am also admitted to practice in the United States District Courts for the District of Columbia and the District of Maryland, the U.S. Court of Appeals for the District of Columbia, Third, Fourth, Sixth, and Federal Circuits, and the U.S. Supreme Court.

4. I am not presently nor have I ever been suspended, disbarred, or otherwise disciplined in any of the courts or jurisdictions where I have been admitted to practice.

5. I have obtained a copy of the local rules of the U.S. District Court for the Southern District of New York and am familiar with those rules.

6. I hereby consent to be subject to the jurisdiction and rules of the state of New York governing professional conduct.

WHEREFORE, Lynne Bernabei prays this Court to allow her to be entered *pro hac vice*.

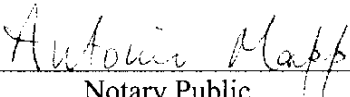
I declare under penalty of perjury that the foregoing is true and correct.



Lynne Bernabei

DATED: March 10, 2004

Subscribed and sworn to before me,
this 10 day of March, 2004.



Notary Public

My commission expires 12/31/05, _____



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. -- Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia
Court of Appeals, do hereby certify that

LYNNE BERNABEI

was on the 14th day of December, 1977

duly qualified and admitted as an attorney and counselor and
entitled to practice before this Court and is, on the date
indicated below, an active member in good standing of this Bar.

In Testimony whereof, I have
hereunto subscribed my name
and affixed the seal of this
Court at the City of
Washington, D.C., on March
4, 2004.

GARLAND PINKSTON, JR.

By: *Richard C. ...*
Deputy Clerk

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Plaintiffs,)	
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AL-QAEDA ISLAMIC ARMY, <i>et al.</i> ,)	
)	
Defendants.)	
)	

AFFIDAVIT OF ALAN R. KABAT

I, Alan R. Kabat, this 10th day of March 2004, certify the following in support of the Motion for Admission Pro Hac Vice:

1. This affidavit is submitted in support of the motion for an order permitting me to appear and participate in this case *pro hac vice*.

2. I am an associate at the firm of Bernabei & Katz, PLLC, located at 1773 T Street, N.W., Washington D.C. 20009-7139, telephone (202) 745-1942, facsimile (202) 745-2627. Our firm represented defendants Al Haramain Islamic Foundation, Inc. (U.S.A.), Soliman H.S. Al-

Buthe, and Perouz Sedaghaty in the *Burnett* action prior to its transfer to this Court from the U.S. District Court for the District of Columbia and will continue that representation. Our firm also represents additional defendants in the *Ashton* and/or *Burnett* actions who have either not yet been served or have not yet entered an appearance: Dr. Abdullah M. Al Turki, Dr. Abdullah Naseef, Dr. Abdullah Al Obaid, Dr. Abdul Rahman Al Swailem, Dr. Adnan Basha, Sheik Saleh Al-Hussayen, Talal M. Badkook, Sheik Shahir Batterjee, Mushayt for Trading Company, Mohammed Ali Sayed Mushayt, Sheik Hamad Al-Husaini, Saudi Red Crescent Committee, Sheik Salman Al-Oawdah, and Sheik Safer Al-Hawali. I am submitting this Affidavit in support of my application to practice before this court and to represent all of the aforementioned defendants.

3. I am a member in good standing of the Bar of the District of Columbia, having been admitted to practice before that bar on September 13, 1999. A certificate of good standing from that bar is attached hereto (Exhibit A). I am also a member in good standing of the Bar of the state of Maryland, having been admitted to practice before that bar on December 16, 1998. A certificate of good standing from that bar is attached hereto (Exhibit B). I am also admitted to practice in the United States District Courts for the District of Columbia and the District of Maryland, the U.S. Court of Appeals for the District of Columbia and Sixth Circuits, and the U.S. Supreme Court.

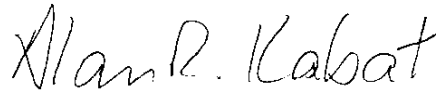
4. I am not presently nor have I ever been suspended, disbarred, or otherwise disciplined in any of the courts or jurisdictions where I have been admitted to practice.

5. I have obtained a copy of the local rules of the U.S. District Court for the Southern District of New York and am familiar with those rules.

6. I hereby consent to be subject to the jurisdiction and rules of the state of New York governing professional conduct.

WHEREFORE, Alan R. Kabat prays this Court to allow him to be entered *pro hac vice*.

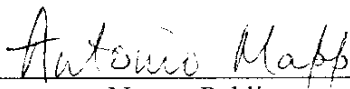
I declare under penalty of perjury that the foregoing is true and correct.



Alan R. Kabat

DATED: March 10, 2004

Subscribed and sworn to before me,
this 10 day of March, 2004



Notary Public

My commission expires _____, _____



District of Columbia Court of Appeals
Committee on Admissions
500 Indiana Avenue, N.W. — Room 4200
Washington, D. C. 20001
202 / 879-2710

I, GARLAND PINKSTON, JR., Clerk of the District of Columbia Court of Appeals, do hereby certify that

ALAN R. KABAT

was on the 13th day of September, 1999
duly qualified and admitted as an attorney and counselor and
entitled to practice before this Court and is, on the date
indicated below, an active member in good standing of this Bar.

In Testimony Whereof, I have
hereunto subscribed my name
and affixed the seal of this
Court at the City of
Washington, D.C., on March
4, 2004.

GARLAND PINKSTON, JR.

By: *Richy Gil*
Deputy Clerk

**Court of Appeals
of Maryland**
Annapolis, MD



CERTIFICATE OF GOOD STANDING

STATE OF MARYLAND, ss:

I, Alexander L. Cummings, Clerk of the Court of Appeals of Maryland,
do hereby certify that on the 16th day of December, 1998,

ALAN ROBERT KABAT

*having first taken and subscribed the oath prescribed by the Constitution and
Laws of this State, was admitted as an attorney of said Court, is now in good
standing, and as such is entitled to practice law in any of the Courts of said
State, subject to the Rules of Court.*

In Testimony Whereof, I have hereunto set
my hand as Clerk, and affixed the Seal of the
Court of Appeals of Maryland, this 4th
day of March, 2004.


Clerk of the Court of Appeals of Maryland

Exhibit B
Affidavit of Alan R. Kabat

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2004, I caused a paper copy of the Motion for Admission Pro Hac Vice of Lynne Bernabei and Alan R. Kabat to be served by first-class mail, postage prepaid, upon the following counsel of record:

Paul J. Hanly, Jr.
Jayne Conroy
Andrea Bierstein
Hanly Conroy Bierstein & Sheridan, LLP
415 Madison Avenue, 15th Floor
New York, NY 10017-1111

Harry Huge
Harry Huge Law Firm LLP
Market Street North
401 Ninth Street, N.W., Suite 450
Washington, D.C. 20004-2142

Ron Motley
Jodi Flowers
Motley Rice, LLC
28 Bridgeside Boulevard
P.O. Box 1792
Mount Pleasant, S.C. 29465

Allan Gerson
Gerson International Law Group
4771 Lenore Lane
Washington, D.C. 20008

Jack Cordray
Cordray Law Firm
40 Calhoun Street
Charleston, SC 29401

James F. Peterson
Paul J. Orfanedes
Judicial Watch, Inc.
501 School Street, S.W.
Washington, D.C. 20024

Edward D. Robertson
Mary Doerhoff Winter
Bartimus, Frickleton, Robertson & Obetz
200 Madison Street, Suite 1000
Jefferson City, MO 65101

Counsel for Burnett Plaintiffs

James P. Kreindler
Andrew J. Maloney, III
Kreindler & Kreindler
100 Park Avenue
New York, NY 10017

Counsel for Ashton Plaintiffs

Kenneth P. Nolan
Speiser Krause Nolan & Granito
140 East 45th Street, 34th Floor
New York, NY 10017

Counsel for Burlingame Plaintiffs

Sean P. Carter
Cozen O'Connor
1900 Market Street
Philadelphia, PA 19103-3508

Counsel for Federal Ins. Co., et al. Plaintiffs

Donald J. Nolan
Nolan Law Group
20 North Clark Street, Suite 3000
Chicago, IL 60602

Counsel for Salvo Plaintiffs

David J. O'Brien
D.J. O'Brien Law Office
20 Vesey Street, Suite 700
New York, NY 10007

Counsel for Tremsky Plaintiffs

Michael F. Baumeister
Baumeister & Samuels, P.C.
One Exchange Plaza
New York, NY 10006

Counsel for York Plaintiffs

Michael F. Flanagan
John C. Millian
Gibson, Dunn & Crutcher LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5306

Counsel for Salahuddin Abduljawad

Nancy Luque
Donna Sheinbach
Gray Cary Ware & Freidenrich LLP
1625 Massachusetts Avenue, Suite 300
Washington, D.C. 20036

*Counsel for African Muslim Agency,
Grove Corporate, Inc.,
SAFA Trust,
Reston Investments, Inc.,
York Foundation,
Heritage Education Trust,
MAR-JAC Investments, Inc., and
International Institute of Islamic Thought*

Martin McMahon
Martin F. McMahon & Associates
1150 Connecticut Avenue, Suite 900
Washington, D.C. 20036

*Counsel for Al Baraka Invest. & Dev. Corp.,
Saleh Abdullah Kamel,
Muslim World League,
International Islamic Relief Organization,
Rabita Trust, and
Wael Jalaidan*

Christopher M. Curran
Frank Panopoulos
Nicole Erb
White & Case LLP
601 Thirteenth Street, N.W.
Washington, D.C. 20005

Counsel for Al Rajhi Banking & Invest. Corp.

Maher Hanania
Hanania, Kheder & Nawash
6066 Leesburg Pike, # 101
Falls Church, VA 22041

*Counsel for Abdul Rahman Al-Amoudi,
Tarik Hamdi,
World Assembly of Muslim Youth, and
Mohammed Hussein Al-Amoudi*

Joshua L. Dratel
Law Offices of Joshua L. Dratel, P.C.
14 Wall Street, 28th Floor
New York, NY 10005

Counsel for Sami Al-Hussayen

Roger E. Waren
Steptoe & Johnson, LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036

Counsel for Mohammed Abdullah Aljomaih

John D. Shakow
King & Spalding, LLP
1730 Pennsylvania Avenue, N.W.
Washington, D.C. 20006-4706

Counsel for Arab Bank PLC

Yeslam Binladin
Rue Francois-le-Fort, 2
Geneva
Switzerland [via Air-Mail]

Pro se Defendant

Michael J. McManus
Drinker Biddle & Reath
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209

Counsel for Delta Oil Company, Ltd.

Thomas P. Steindler
McDermott, Will & Emery
600 - 13th Street, N.W.
Washington, D.C. 20005

*Counsel for Yousef Jameel and
Yassin A. Al Kadi*

Peter J. Kahn
Thomas C. Viles
Williams & Connolly, LLP
725 12th Street, N.W.
Washington, D.C. 20005

Counsel for Abdul R. Mahfouz

Wilmer Parker, III
Gillen Parker & Withers LLC
One Securities Centre
3490 Piedmont Road, N.E.
Suite 1050
Atlanta, GA 30305

Counsel for Mar-Jac Poultry, Inc.

Michael Hadeed, Jr.
Becker Hadeed Kellogg & Berry, P.C.
5501 Backlick Road, Suite 220
Springfield, VA 22151

*Counsel for Muslim World League Offices — NY,
Success Foundation, Inc., and
Mohamed S. Omeish*

Ronald S. Liebman
Mitchell R. Berger
Ugo A. Colella
Patton Boggs LLP
2550 M Street N.W.
Washington, D.C. 20037

Counsel for National Commercial Bank

Matthew H. Kirkland
Fulbright & Jaworski
801 Pennsylvania Avenue N.W.
Washington, D.C. 20004

Counsel for Nimir Petroleum, LLC

Louis R. Cohen
Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, D.C. 20037

Counsel for HRH Prince Mohamed al Faisal al Saud

James M. Cole
Bryan Cave LLP
700 Thirteenth Street N.W.
Washington, D.C. 20005-3960

Counsel for HRH Prince Naif bin Abdulaziz al Saud

William H. Jeffress, Jr.
Christopher R. Cooper
Baker Botts, LLP
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2400

Counsel for HRH Prince Sultan bin Abdulaziz Al-Saud

Mark C. Hansen
Michael K. Kellogg
Michael J. Guzman
Kellogg, Huber, Hansen, Todd & Evans, PLLC
1615 M Street, N.W., Suite 400
Washington, D.C. 20036-3209

*Counsel for HRH Prince Turki Al-Faisal bin
Abdulaziz al Saud*

Henry S. Weisburg
Brian H. Polovoy
Shearman & Sterling LLP
599 Lexington Avenue
New York, NY 10022-6069

Jonathan S. Greenblatt
Shearman & Sterling LLP
801 Pennsylvania Avenue, N.W.
Suite 900
Washington, D.C. 20004-2604

Counsel for Saudi American Bank

Stephen J. Brogan
Jonathan C. Rose
Timothy J. Finn
James E. Gauch
Jones Day
51 Louisiana Avenue, N.W.
Washington, D.C. 20001

*Counsel for Saudi Binladin Group,
Omar Bin Laden,
Bakr Bin Ladin
Khalid bin Mahfouz*



Alan R. Kabat